

REMARKS

Claims 1-29 are pending. Claims 1-12 and 25-29 have been withdrawn from consideration by the Examiner as being drawn to non-elected inventions. Claims 13 and 15 have been previously amended. Claims 30-40 have been previously added. The rejections of the claims are respectfully traversed in light of the following remarks, and reconsideration is requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 13-24 and 30-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rassman (U.S. Patent No. 5,817,120).

In rejecting the claims, the Examiner states that "Rassman discloses in figures 2a-f, an apparatus . . . including . . . a vacuum source (see col. 11, lines 60-67 and col. 12, lines 8-11) coupled to the housing to provide suction thereby drawing a hair graft into the hair graft chamber, where a rod (31) is inside the housing"

However, Rassman discloses that "surface tension created by fluid in the incision and a vacuum created during implantation also aids in maintaining hair graft 34 in the incision during withdrawal of cutting device 30" and that "surface tension created by fluid in the incision and a vacuum created during implantation generally are sufficient to maintain hair graft 34 in the incision during withdrawal of finger 41" (Rassman, col.11, lines 60-67 and col.12, lines 8-11) (emphases added). Thus, Rassman simply discloses that a vacuum is created within the incision (by implanting member 31 being flush against incision 39) (Rassman, FIG. 2E) during implantation of the hair graft into the incision. There is no disclosure or suggestion in Rassman of: (1) a vacuum source for drawing a hair graft into a hair graft chamber; or (2) a gas-permeable rod.

In contrast, Claims 13 and 30 each recite "a vacuum source operably coupled to the housing to provide suction at the open distal end for drawing a hair graft into the hair graft chamber through the open distal end" and "a gas-permeable rod inside the housing". Thus, because Rassman does not disclose or suggest all the limitations of Claims 13 and 30, Claims 13 and 30 are patentable over Rassman.

Claims 14-24 and 31-40 are dependent upon Claims 13 and 30, respectively, and contain additional limitations that further distinguish them from Rassman. Therefore, Claims

14-24 and 31-40 are allowable over Rassman for at least the same reasons provided above with respect to Claims 13 and 30.

Accordingly, Applicants request withdrawal of the rejections under 35 U.S.C. § 102(b) and withdrawal of this Final Office Action.

CONCLUSION

For the above reasons, Applicants believe pending Claims 13-24 and 30-40 are now in condition for allowance and allowance of the Application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicants' Attorney at (949) 752-7040.

Certificate of Transmission

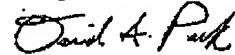
I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Fax No. 571-273-8300 on the date stated below.



Tina Kavanaugh

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Respectfully submitted,



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